

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LARRY LLOYD,

Plaintiff,

v.

C/O PAYNE, *et al.*,

Defendants.

Case No. C06-5365 RJB/KLS

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On June 28, 2006, the Clerk received plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. # 1). On June 30, 2006, the Clerk sent plaintiff a letter informing him that he must either pay the court filing fee or submit a proper application to proceed *in forma pauperis* by submitting a written consent form, answering question 2b on the application to proceed *in forma pauperis*, and submitting a certified copy of his trust account statement, or this matter could be subject to dismissal. (Dkt. # 2).

Pursuant to 28 U.S.C. § 1915(a)(2):

1 A prisoner seeking to bring a civil action or appeal a judgment in a civil action or
2 proceeding without prepayment of fees or security therefor . . . shall submit a certified
3 copy of the trust fund account statement (or institutional equivalent) for the prisoner for
4 the 6-month period immediately preceding the filing of the complaint or notice of appeal,
5 obtained from the appropriate official of each prison at which the prisoner is or was
6 confined.

7 Plaintiff has not submitted a statement showing the balance and activity of his account for the six-
8 month period immediately preceding the filing of his complaint.

9 In addition, pursuant to 28 U.S.C. § 1915(b), a prisoner seeking to proceed *in forma pauperis* is
10 required to submit a written acknowledgment and authorization form, authorizing the agency having
11 custody over him to collect from his prison trust account an initial partial filing fee and subsequent monthly
12 payments until the full filing fee is paid. Plaintiff has not submitted the acknowledgment and authorization
13 form approved for use by this court.

14 Local Rule CR 3(b) provides in relevant part:

15 At the time application is made under 28 U.S.C. § 1915 or other applicable acts of
16 Congress, for leave to commence any civil action or to file any petition or motion
17 without being required to prepay fees and costs or give security for them, each
18 petitioner, movant or plaintiff shall:

19 (1) Complete the in forma pauperis affidavit approved for use in this district;
20 and

21 (2) File a written consent that the recovery, if any, in the action, to such amount as
22 the court may direct, shall be paid to the clerk who may pay therefrom all unpaid fees and
23 costs taxed against the plaintiff, and to his attorney the amount which the court allows or
24 approves as compensation for the attorney's services.

25 Plaintiff has not submitted the written consent required by Local Rule CR 3(b)(2).

26 Accordingly, the Court **ORDERS** the following:

27 (1) Plaintiff shall seek to cure the above deficiencies by paying the full \$350.00 court filing fee
28 or filing a proper application to proceed *in forma pauperis* **no later than September 1,**
29 **2006**, a copy of his prison trust account statement pursuant to 28 U.S.C. § 1915(a)(2)
30 showing the balance and activity of his account(s) for the six-month period immediately
31 preceding the filing of his complaint; a copy of the acknowledgment and authorization form
32 pursuant to 28 U.S.C. § 1915(b); and a copy of the written consent required by Local Rule
33 CR 3(b).

Failure to cure these deficiencies by the above date shall be deemed a failure to

properly prosecute this matter and the court will recommend dismissal of this matter.

(2) The Clerk is directed to send a copy of this Order to plaintiff, along with the appropriate forms.

DATED this 2nd day of August, 2006.

Kevin L. Atkinson

Karen L. Strombom
United States Magistrate Judge